

RESOLUTION NUMBER R- 314641
DATE OF FINAL PASSAGE MAR 13 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE FINAL SETTLEMENT
BETWEEN JONATHAN SAMMARTINO AND THE CITY OF
SAN DIEGO.

WHEREAS, on February 16, 2016, Plaintiffs Jonathan Sammartino and Jessica Thierman filed suit against the City of San Diego, alleging personal injuries from an incident that occurred on March 21, 2015 when a Mr. Sammartino struck an alleged dangerous condition. The suit is entitled *Jonathan Sammartino, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2016-00004853-CU-NP-CTL (the Litigation); and

WHEREAS, Jessica Thierman dismissed her claims against the City of San Diego on March 7, 2022; and

WHEREAS, in closed session on November 1, 2022, the San Diego City Council, by the following votes: Yeas, Districts 2, 3, 4, 5, 6, and 9; Nays, none; Absent, Districts 1, 7, and 8, approved the settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. Authorizes the Mayor or his designee to pay the sum of \$2,149,000 from Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury complaint filed by Plaintiff Jonathan Sammartino; and

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$2,149,000 from Public Liability Fund No. 720045, for the purpose of settling this claim.

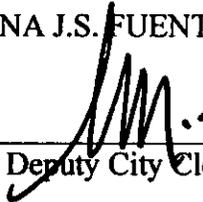
APPROVED: MARA W. ELLIOTT, City Attorney

By 
Stacy J. Plotkin-Wolff
Senior Chief Deputy City Attorney

SJP:mg
January 23, 2023
Or. Dept: City Attorney
CC No. 3000015528
Doc. No. 3198348

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 07 2023

DIANA J.S. FUENTES, City Clerk

By 
Deputy City Clerk

Approved: 3/13/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000015528
 DEPT. NO.: 1211

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$2,149,000.00

Purpose: Settlement of Jonathan Sammartino v. City of San Diego, et al., San Diego Superior Court Case No. 37-2016-00004853-CU-NP-CTL, Risk Claim No. 11540

Date: February 12, 2023 By: Christopher Purcell *Christopher Purcell*
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	720045			OTHR-00000000-GG	512006	1515	1515000011		\$2,149,000.00
TOTAL AMOUNT									\$2,149,000.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: _____ By: _____
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

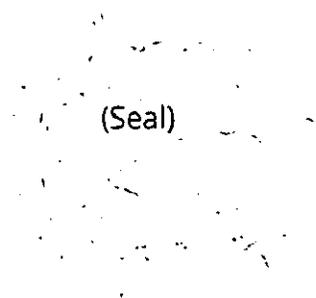
Passed by the Council of The City of San Diego on MAR 07 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 13 2023.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:



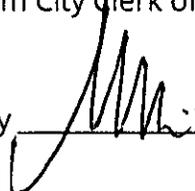
(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

Interim City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 314641